## 05-9222 BURTON V. WADDINGTON

## **QUESTIONS PRESENTED**

- 1. Is the holding in *Blakely* a new rule or is it dictated by *Apprendi?*
- 2. If *Blakely* is a new rule, does its requirement that facts resulting in an enhanced statutory maximum be proved beyond a reasonable doubt apply retroactively?

Cert. Granted 6/5/06